

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-3732

Gabriel W. Mills,

Appellant,

v.

David Laser, Circuit Court Judge,
Second Judicial Circuit; Brent Davis,
Prosecuting Attorney, Second Judicial
Circuit; Carla Powell, Deputy
Prosecuting Attorney, Second Judicial
Circuit; Mike Everett, Attorney at Law;
Poinsett County; Arkansas State
Hospital; L. D. Gibson, Poinsett
County Public Defender; Thomas E.
Fowler, Attorney at Law,

Appellees.

*
*
*
*
*
*
*
*
*
*
*
*
*
*
*
*
*
*
*
*

Appeal from the United States
District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Submitted: September 1, 2004

Filed: September 7, 2004

Before MURPHY, FAGG, and SMITH, Circuit Judges.

PER CURIAM.

Gabriel W. Mills appeals the district court's¹ dismissal, under the Younger² abstention doctrine, of his 42 U.S.C. § 1983 action. We conclude that the district court did not abuse its discretion in declining to exercise jurisdiction in light of ongoing state proceedings. See Night Clubs, Inc. v. City of Fort Smith, Ark., 163 F.3d 475, 479 (8th Cir. 1998) (standard of review). Accordingly, we affirm, see 8th Cir. R. 47B, but we modify the dismissal to be without prejudice, see Anderson v. Schultz, 871 F.2d 762, 766 (8th Cir. 1989) (dismissal without prejudice is appropriate when court abstains under Younger).

¹The Honorable Susan Webber Wright, Chief Judge, United States District Court for the Eastern District of Arkansas.

²See Younger v. Harris, 401 U.S. 37, 46 (1971).